

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	
)	Judge Patti B. Saris

CASE MANAGEMENT ORDER NO. 3

WHEREAS, on April 30, 2002, the Judicial Panel on Multidistrict Litigation issues an Order pursuant to 28 U.S.C. § 1407 transferring certain actions to the District of Massachusetts for coordinated or consolidated pre-trial proceedings with the case then pending in this Court (which cases are now collectively entitled "In Re Pharmaceutical Industry Wholesale Price Litigation, MDL 1456");

WHEREAS, on June 10, 2002, Plaintiffs' and Defendants' counsel submitted to this Court a proposed Case Management Order No. 1, which order provided for the appointment of liaison and co-lead plaintiffs' counsel for the orderly management of these cases;

WHEREAS, on June 18, 2002, Plaintiffs in Robinson et al., v. Abbott Laboratories, et al., C.A. No. CV02-0493-S filed a Request for Temporary Stay of Entry of [Proposed] Case Management Order No. 1 its requested that this Court temporarily stay entry of the proposed case management order until after the July 17, 2002 Status Conference in order to afford them the opportunity to review and comment upon that proposed order;

DOCKETED
136

WHEREAS, this Court has been advised that Plaintiffs' counsel in Robinson et al., v. Abbott Laboratories, et al., C.A. No. CV02-0493-S has withdrawn its Request for Temporary Stay of Entry of [Proposed] Case Management Order No. 1; and

WHEREAS, in light of the change of affiliation of Thomas M. Sobol from the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP to Hagens Berman LLP, an adjustment to Case Management Order No. 1 is nevertheless appropriate.

IT IS HEREBY STIPULATED AND AGREED by the parties, through their undersigned counsel, and the Court so orders as follows:

1. The Request for Temporary Stay of Entry of [Proposed] Case Management Order No. 1 is hereby deemed withdrawn, and CMO No. 1 is hereby reinstated. (A copy of CMO No. 1 is attached hereto.)
2. Case Management Order No. 1, Paragraph IV(9)(a) is amended to strike the existing language and to replace it with the following:

Thomas M. Sobol
Hagens Berman LLP
225 Franklin Street, 26th Floor
Boston, MA 02110
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

3. Case Management Order No. 1, Paragraph IV(9)(b) is hereby amended to strike the following:

Thomas M. Sobol
Lieff, Cabraser, Heimann & Bernstein, LLP
175 Federal Street, 7th Floor
Boston, MA 02110
Telephone: (617) 720-5000
Facsimile: (617) 720-5015

4. Case Management Order No. 1 is hereby amended to add a new Paragraph IV(9)(d) as follows:

“d. As Executive Committee:

Members of the Lead Counsel Committee listed above and the following:

Michael McShane
Alexander, Hawes & Audet, LLP
300 Montgomery Street, Suite 400
San Francisco, CA 94104
Telephone: (415) 982-1886
Facsimile: (415) 576-1776

Robert E. Piper, Jr.
Piper & Associates
624 Pierre Avenue
Shreveport, LA 71103
Telephone: (318) 226-0826
Facsimile: (318) 424-9900

The Lead Counsel Committee may elect other lawyers and/or law firms to the Executive Committee in the event that the Lead Counsel Committee determines that such other lawyers and/or law firms are participating, or are prepared to participate, to a significant degree in connection with this complex litigation matter.”

PLAINTIFFS' CO-LEAD COUNSEL

By 

DATED: July 16, 2002

Thomas M. Sobol
Edward Notargiacomo
Hagens Berman LLP
225 Franklin Street, 26th Floor
Boston, MA 02110
Telephone: (617) 720-5000
Facsimile: (617) 720-5015

Steve W. Berman
Hagens Berman LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Samuel Heins
Heins, Mills & Olson, P.C.
700 Northstar East
608 Second Avenue South
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692

Eugene A. Spector
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Michael M. Buchman
Milberg Weiss Bershad Hynes & Lerach, LLP
One Pennsylvania Plaza
New York, NY 10119
Telephone: (212) 594-5300
Facsimile: (212) 868-1229

Marc H. Edelson
Hoffman & Edelson
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Linda P. Nussbaum
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
825 Third Avenue, 30th Floor
New York, NY 10022
Telephone: (212) 838-7797
Facsimile: (212) 838-7745

Kenneth A. Wexler
Kenneth A. Wexler & Associates
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

IT IS SO ORDERED

Date: July 18, 2002

A handwritten signature in black ink, reading "Patti B. Saris". The signature is written in a cursive style with a large, looped initial "P".

Honorable Patti B. Saris
United States District Court